

REMARKS

The Examiner's Action dated May 6, 2005, has been received, and its contents carefully noted. The indication of allowability of claims 12 and 13 is noted with appreciation. In view of this indication, claim 12 has been placed in independent form by incorporation therein of all of the subject matter of original claims 1, 9, 10 and 11.

The specification has been amended to correct a minor error.

The remaining claims have been amended, where necessary, to more clearly define the contribution of the invention over the prior art and a minor error in claim 7 has been corrected.

The rejection of claims 1-8 and 14-18 as unpatentable over Whitenack in view of Kincannon is respectfully traversed for the reason that the novel cooker now defined in these claims, and particularly in independent claim 1, is not suggested by any reasonable combination of the teachings of the applied references.

The present invention is directed to a steam cooker that comprises at least two cooking elements each having a peripheral lateral wall, and a pedestal having a steam production base. According to the invention, the cooking elements and the pedestal are constructed and dimensioned to allow the two cooking elements to be placed in either an upright position for cooking or to be nested in one another in an inverted position on the pedestal when the cooker is not in use so that the peripheral lateral wall of the cooking elements at least partially envelopes the pedestal.

Before discussing the distinctions between the steam cooker defined in amended claim 1 and the disclosures of the

applied references, it is important to point out the clear meaning of the term "inverted", as that term is employed in the present application. It is quite clear from the specification and the drawings that the term "inverted" means that the cooking elements are turned upside-down. This is, in fact, the usual and customary meaning of that word. It is important that the meaning of the term, as employed in the present application, be clearly understood because the term "inverted" is used in a clearly different sense in the specification of the Kincannon reference, as will be discussed in greater detail below.

As the Examiner recognizes, the Whitenack reference does not disclose the concept of nesting cooking elements for storage purposes. In point of fact, the cooking elements disclosed in this reference are incapable of being nested, either in an upright position or an upsidedown position. This is true because the two cooking elements, as illustrated in the reference, are structurally identical, with respect to their configuration and dimensions. No matter how they are arranged, the bottom of either cooking element cannot move past the top of the other cooking element. In this connection, please note the detail view shown in Fig. 7 of the reference drawings.

Moreover, because of the dimensions of the various components illustrated in the reference, it would not be possible to place the cooking elements on the pedestal in such a manner that the peripheral wall of at least one of the cooking elements at least partially envelops the pedestal.

For the above reasons, one skilled in the art would have no reason to consider the extensive modifications that would be needed to allow the cooking elements of Whitenack to be nested in one another in an inverted position or to allow

the lateral wall of at least one of those cooking elements to at least partially envelope the pedestal, or base. The modifications would be so extensive that it can be said that they would be contrary to the teachings of this reference.

The deficiencies in the disclosure of Whitenack are not supplied by the disclosure in the Kincannon reference.

Firstly, this reference does not disclose a cooker having cooking elements that can be placed "in a second inverted position for nesting to facilitate storage", as alleged in the third paragraph on page 3 of the Action.

As regards to the disclosure at page 1, lines 36-40 of the reference, while it does mention the possibility of nesting the parts of a stove, there is no indication that the components that could be considered to constitute cooking elements (elements 29, 33 and 35) would be inverted for storage.

As concerns Fig. 4 of the reference, this discloses an alternative configuration that is employed to perform a different cooking function, one utilizing a double boiler, and not a storage position.

While this reference uses the term "inverted" at page 2, line 75, this term is employed in the phrase "may be arranged in the inverted relation to what is shown in Fig. 2" (emphasis added). A careful consideration of the illustration presented in Fig. 4 necessarily leads to the conclusion that in that configuration, elements 29 and 33 are not upside down. Element 29, which is described as having an open top, is clearly shown with its closed bottom facing downwardly and element 33 obviously has the same upright orientation as in Fig. 2 since in both figures, flange 34 of element 33 is near the bottom of that element, underneath element 29. Thus, the elements are nested in a manner different from that

contemplated by the present invention, and defined in claim 1 of the present application and the arrangement shown in Fig. 4 of the reference is not employed when the cooker is not in use. Rather, it is employed for a different cooking function employing a double boiler.

In view of the above considerations, it is submitted that Kincannon does not disclose the concept of arranging a plurality of cooking elements in a nested, inverted position when the cooker is not in use.

It thus follows that the cooker now defined in claim 1 is not suggested by any reasonable combination of the teachings of the applied references. Specifically, there is no combination of the teachings of the applied references that would lead to a steam cooker having at least two cooking elements that are constructed and dimensioned such that they can "be nested in one another in an inverted position on said pedestal when said cooker is not in use so that said peripheral lateral wall of each of said cooking elements at least partially envelopes said pedestal."

Furthermore, there is at least a significant question as to whether the two references are in the "same field of endeavor". Clearly, Whitenack is directed to a steam cooker; one characteristic of such cookers is that the bottom of each cooking element, or container, is perforated. The bottom of each cooking element disclosed in the Kincannon reference is either completely closed or completely open.

Moreover, the Kincannon reference is directed to an electric stove, which, it is submitted, performs types of cooking different from steam cooking. In fact, the stove disclosed by Kincannon cannot perform steam cooking.

Therefore, the considerations involved in the construction and design of such a stove are considerably

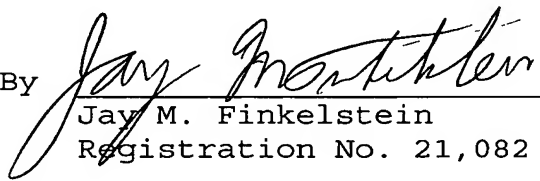
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different from those associated with the construction and design of a steam cooker. Because of these differences, it is submitted that one skilled in the art would not have a practical reason to modify the structure of Whitenack in accordance with any of the teachings of Kincannon.

In view of the foregoing, it is requested that the prior art rejection presented in Section 4 of the Action be reconsidered and withdrawn, that the pending claims, including added claims 12 and 13, be allowed and that the application be found in allowable condition.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,  
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